



PATENT
BSC-011

#34
B. Wehr
3/12/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Crowley
SERIAL NO.: 08/922,263 GROUP NO.: 3739
FILING DATE: September 2, 1997 EXAMINER: D. Shay
TITLE: INTERVENTIONAL PHOTONIC ENERGY EMITTER SYSTEM

Assistant Commissioner for Patents
Washington, D.C. 20231

COMMUNICATION

Sir:

This will confirm the telephonic discussion that took place on February 7, 2002 between the undersigned and the Examiner. Regarding the Office Action issued on December 13, 2001 and the restriction requirement contained therein, the undersigned explained that we do not traverse the restriction, but prefer examination of the Group II claims (namely, claims ~~X, 4-12, 14, 15, 17, 20-30, 32-44, 47-50, 52, 53, and 60-63~~, and not, as the Examiner assumed, Group I. Accordingly, the Examiner agreed to reissue the Office Action and examine the claims of Group II, and confirmed that no response to the Office Action mailed on December 13, 2001 is necessary or expected.

Please charge any fee required by this paper to our Deposit Account No. 20-053.

852567

Respectfully submitted,

Date: February 8, 2002
Reg. No.: 33,497

Tel. No.: (617) 310-8108
Fax No.: (617) 248-7100

Steven J. Frank
Attorney for Applicant
Testa, Hurwitz, & Thibeault, LLP
High Street Tower
125 High Street

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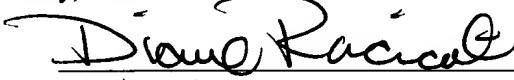
PATENT
Attorney Docket No.: BSC-011
(1002/19)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Crowley
 SERIAL NO.: 08/922,263 GROUP NO.: 3739
 FILING DATE: September 2, 1997 EXAMINER: D. Shay
 TITLE: Interventional Photonic Energy Emitter System

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any documents referred to as enclosed herein, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the, Assistant Commissioner for Patents and Trademarks, Washington, DC 20231 on the 8th day of February, 2002.


 Diane Racicot

Assistant Commissioner for Patents
 Washington, DC 20231

Sir:

Submitted herewith are:

1. Transmittal Form (1 page);
2. Communication (1 page);
3. Return receipt postcard.

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**TRANSMITTAL
FORM**

| | |
|-----------------------------|-------------------|
| Application Serial Number | 08/922,263 |
| Filing Date | September 2, 1997 |
| First Named Inventor | Crowley |
| Group Art Unit | 3739 |
| Examiner Name | D. Shay |
| Attorney Docket No. | BSC-011 |
| BATCH NO. (after allowance) | Not applicable |
| Patent No. | Not applicable |
| Issue Date | Not applicable |

ENCLOSURES (check all that apply)

| | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"> <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <ul style="list-style-type: none"> <input type="checkbox"/> Formal Drawing(s) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <ul style="list-style-type: none"> <input type="checkbox"/> Appeal Brief (in triplicate) |
| <input type="checkbox"/> Amendment/Response <ul style="list-style-type: none"> <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____] | <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <ul style="list-style-type: none"> <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) | <input type="checkbox"/> Status Inquiry <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 |
| <input type="checkbox"/> Petition for Extension of Time | <input type="checkbox"/> Terminal Disclaimer <ul style="list-style-type: none"> <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application | <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) |
| <input type="checkbox"/> Information Disclosure Statement <ul style="list-style-type: none"> <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations | <input type="checkbox"/> Small Entity Statement <ul style="list-style-type: none"> <input type="checkbox"/> CD(s) for large table or computer program | <input checked="" type="checkbox"/> Communication (1 pg) <ul style="list-style-type: none"> <input type="checkbox"/> MAR -5 2002 <input type="checkbox"/> 3700 MAIL ROOM |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> Amendment After Allowance | |
| <input type="checkbox"/> Sequence Listing submission <ul style="list-style-type: none"> <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above | <input type="checkbox"/> Request for Certificate of Correction <ul style="list-style-type: none"> <input type="checkbox"/> Certificate of Correction (in duplicate) | |

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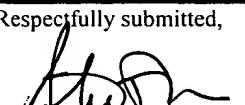
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Respectfully submitted,


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